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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,439	09/23/2003	Gaetan Martel	4223-53us PAN/df	3278
20988	7590	04/03/2006	EXAMINER	
OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			AHMAD, NASSER	
			ART UNIT	PAPER NUMBER
			1772	
DATE MAILED: 04/03/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/667,439	MARTEL, GAETAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nasser Ahmad	1772	

All participants (applicant, applicant's representative, PTO personnel):

(1) Nasser Ahmad.

(3) Marie Claude Gagnon.

(2) Pierre Angers-Nguyen.

(4) \_\_\_\_\_.

Date of Interview: 29 March 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: ALL, specially claims 1 and 20.

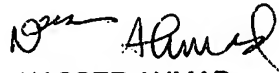
Identification of prior art discussed: Tucker.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

 3/29/06  
**NASSER AHMAD**  
**PRIMARY EXAMINER**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant was informed that the drywall surface of Tucker is covered with a "heavy paper", which is understood to be watertight or waterproof as being claimed in the faxed proposed/draft copy of 3/9/2006 and applicant can submit a declaration showing otherwise. Similarly, a declaration showing that the adhesive of Tucker is not a watertight adhesive is also required. Regarding support for the phrases "watertight", "waterproof", etc., applicant said that the surfaces disclosed in the specification are inherently watertight or waterproof. Applicant is informed that no separate reply to this interview summary is necessary, unless applicant disagrees with the substance of the summary.

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

**OGILVY  
RENAULT**

LLP / S.E.N.C.R.L., s.r.l.

**Facsimile****Confidentiality Message**

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Number of pages including cover letter: 4  
Date: March 9, 2006  
From: Pierre T. A.-Nguyen  
Telephone: (514) 847-4243  
E-mail: pnguyen@ogilvyrenault.com

To	Company - City	Phone	Fax
Examiner Nasser Ahmad	USPTO Alexandria, VA	(571) 272-1487	(571) 273-1487

U.S. Patent Application No. 10/667,439 – filed September 23, 2003  
DEVICE FOR CONCEALING CAULKING JOINT AND METHOD  
Applicant: Gaetan MARTEL

Please find enclosed a draft set of claims to be discussed with the agents of record.

Respectfully submitted,

Gaetan MARTEL

By: 

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## SUGGESTED AMENDMENTS TO THE CLAIMS

1. (CURRENTLY AMENDED) In combination, aA caulking joint concealing device, ~~in combination with a caulking joint for concealing the caulking joint between adjacent first and second watertight surfaces, and a caulking compound covering a joint between the first and second surfaces,~~ the device comprising:

a flexible elongated central strip having first and second opposite longitudinal edges and first and second sides;

a first flexible flap longitudinally connected to the elongated central strip along the first edge, the first flap having a first side adherable to the first watertight surface in a watertight manner;

a second flexible flap longitudinally connected to the elongated central strip along the second edge, the second flap having a first side adherable to the second watertight surface in a watertight manner; and

the central strip covering and concealing the caulking joint compound with the first side of the central strip facing the caulking compound joint when the first flap is adhered to the first watertight surface and the second flap is adhered to the second watertight surface.

2. (PREVIOUSLY PRESENTED) The combination according to claim 1, wherein an exterior longitudinal edge of each of the first and second flaps is tapered.

3. (PREVIOUSLY PRESENTED) The combination according to claim 1, wherein longitudinal connection of the first and second flaps to the first and second edges of the central strip are flexible hinges, the first and second flaps being pivotable about a respective one of the hinges from a flat configuration where the first and second flaps are aligned

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to an installation configuration where the first and second flaps are substantially perpendicular.

4. (PREVIOUSLY PRESENTED) The combination according to claim 1, wherein the first and second flaps are integrally formed with the central strip and have a lesser degree of flexibility than the central strip.

5. (PREVIOUSLY PRESENTED) The combination according to claim 1, wherein the first and second flaps are integrally formed with the central strip and have a greater degree of flexibility than the central strip.

6. (CURRENTLY AMENDED) The combination according to claim 1, wherein the central strip is transversally convex with respect to the second side of the central strip such that the first side forms a concavity to enclose the caulking joint compound.

7. (CANCELED)

8. (CURRENTLY AMENDED) The combination according to claim 71, wherein the first and second watertight adhesives are ~~is~~ in the form of ~~at least an~~ adhesive strips.

9. (CANCELED)

10. (CURRENTLY AMENDED) The combination according to claim 71, wherein the first watertight adhesive is in the form of ~~two independent adhesive strips~~, a first of ~~the~~ adhesive strips being pre-applied on the ~~first side of the~~ first flap and the second watertight adhesive is in the form of a second of

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~~the adhesive strips being pre-applied on the first side of~~  
the second flap.

11. (PREVIOUSLY PRESENTED) The combination according to claim 1, wherein the central strip has no contact with the caulking joint.

12. (PREVIOUSLY PRESENTED) The combination according to claim 1, wherein the central strip is flexible enough to conform to the caulking joint.

13.-19. (CANCELED)

20. (NEW) The combination according to claim 1, wherein the first and second watertight surfaces are selected from the group consisting of a bathroom wall, a bathtub surface, a counter surface, a floor, and a shower wall.

21. (NEW) The combination according to claim 1, wherein the flexible elongated strip and the first and second flexible flaps are made of a same material, the same material being selected from the group consisting of polyvinyl chloride, polyethylene, thermoplastic olefin and thermoplastic rubber.

22. (NEW) The combination according to claim 1, further comprising a first watertight adhesive adhering the first flap to the first watertight surface, and a second watertight adhesive adhering the second flap to the second watertight surface.

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